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**UNITED STATES BANKRUPTCY COURT
 DISTRICT OF NEVADA**

In re:
 USA COMMERCIAL MORTGAGE COMPANY,
 Debtor.

Case Nos. BK-S-06-10725 LBR
 Case Nos. BK-S-06-10726 LBR
 Case Nos. BK-S-06-10727 LBR
 Case Nos. BK-S-06-10728 LBR
 Case Nos. BK-S-06-10729 LBR

In re:
 USA CAPITAL REALTY ADVISORS, LLC,
 Debtor.

Chapter 11

In re:
 USA CAPITAL DIVERSIFIED TRUST DEED FUND, LLC,
 Debtor.

**DECLARATION IN SUPPORT OF
 EX PARTE APPLICATION FOR
 ORDER SHORTENING TIME TO
 HEAR MOTION TO REMOVE
 FERTITTA ENTERPRISES, INC. AS
 MEMBER OF OFFICIAL
 COMMITTEE OF HOLDERS OF
 EXECUTORY CONTRACT RIGHTS**

In re:
 USA CAPITAL FIRST TRUST DEED FUND, LLC,
 Debtor.

In re:
 USA SECURITIES, LLC,
 Debtor.

**(AFFECTS USA COMMERCIAL
 MORTGAGE COMPANY)**

Affects:

- ☐ All Debtors
- ☒ USA Commercial Mortgage Company
- ☐ USA Securities, LLC
- ☐ USA Capital Realty Advisors, LLC
- ☐ USA Capital Diversified Trust Deed Fund, LLC
- ☐ USA First Trust Deed Fund, LLC

Date: OST Requested for June 21, 2006
 Time: OST Requested for 9:30 a.m.

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1 Jeanette E. McPherson, Esq. of Schwartzer & McPherson Law Firm, attorney for the above
 2 captioned debtors and debtors in possession (the "Debtor"), under penalties of perjury, hereby
 3 declares on this 9th day of June, 2006 that:

4 1. A Motion To Remove Fertitta Enterprises As Member of Official Committee of
 5 Holders of Executory Contract Rights (the "Motion") has been filed. This Motion respectfully
 6 requests that the Court order the U.S. Trustee to change the composition of the Executive
 7 Contracts Committee ("ECC") by removing Fertitta Enterprises, Inc., acting through its corporate
 8 secretary and treasurer William J. Bullard, as a member of the ECC and appointing a replacement.

9 2. Notice can be shortened pursuant to Bankruptcy Rule 9006(c)(1) and LR 9006(a).

10 3. The Motion is requested to be heard on shortened time because the presence of
 11 Fertitta Enterprises, Inc. on the Committee may greatly affect the negotiations concerning a plan
 12 of reorganization which should take place in July, 2006. Omnibus hearings are currently
 13 scheduled in this matter on June 21, 2006 at 9:30 a.m. and the Debtor respectfully requests that the
 14 Motion be heard on June 21, 2006. Holding a hearing on the Motion at the same time would serve
 15 the interests of judicial economy. Further, the next hearing scheduled in this case is not until July
 16 25, 2006, well after the time negotiations concerning a plan are anticipated to occur.

17 Dated: June 9, 2006

18 /s/ JEANETTE E. MCPHERSON

19 Lenard E. Schwartzer, Nevada Bar No. 0399
 20 Jeanette E. McPherson, Nevada Bar No. 5423
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24 and

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